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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,905	05/30/2001	Yohji Nakamura	954-010228-US (PAR)	7559

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EXAMINER

LEE, TOMMY D

ART UNIT PAPER NUMBER

2624

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/867,905	Applicant(s) NAKAMURA, YOHJI	
	Examiner Thomas D. Lee	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 is/are allowed.
- 6) ☒ Claim(s) 1-3,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,048,104 (D'Aoust et al.).

D'Aoust et al. disclose a method for detecting errors in image reading from image data of an image which has been read, said method comprising the steps of: compressing the image data (apparatus 25(a) compresses received image data (column 3, lines 63-66)); comparing values associated with the compressed image data and reference values previously determined in connection with an error in image reading (decompressor 56 compares first bit of every line of compressed data with a logical one (column 14, lines 59-62)); and determining existence of an error in image reading based on said comparing (error detected if values are not equal (column 14, lines 62-68)). The method further comprises: using an image reader to read the image and obtain said image data (image acquisition system 24 acquires image (column 3, lines 53-56)); storing data of the image read by the image reader (after compression and encoding, image sent to image storage module 34 (column 3, lines 66-68)); and transmitting an error signal when it is judged that there is an error in image reading,

Art Unit: 2624

wherein said error signal is transmitted to a central location (errors transmitted to externally-positioned error processor 25 (column 14, line 68 – column 15, line 2)).

Allowable Subject Matter

3. Claims 10-18 are allowed.
4. Claims 4-6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest determining existence of an error in image reading, comprising judging that there is an error in image reading when data size of said compressed image data is smaller than a data size, or compression ratio of said compressed image data is larger than a compression ratio, previously determined as said reference value, as recited in claims 4 and 5; or including the steps of selecting a reference value corresponding to said image data read out from a reference value table having a plurality of reference values previously determined in connection with errors in image reading, and comparing said selecting reference values and said read out image data after compression with each other, as recited in claim 6 and similarly recited in claims 10-18; or determining the existence of an error in image reading on the basis of comparison of values associated with the compressed image data and reference values previously determined, wherein said error is due to a malfunction of an image reader used to read the image, as recited in claim 9.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,406,428 (Suzuki) discloses an apparatus and method for recording compressed data with recording integrity check after recording.

U.S. Patent 5,832,126 (Tanaka) discloses a method and apparatus for compressing mixed text and image data, wherein compression ratios are monitored, and compression parameters are modified according to a prediction error.

U.S. Patent 6,606,415 (Rao) discloses a closed loop feedback system adaptively controls the compression ratio in a raster image processor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (703) 305-4870. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D. Lee
Primary Examiner
Art Unit 2624

tdl
November 23, 2004